

### REMARKS

Claims 1-14 are pending in the present Application. Claims 1, 4-6, 8-11 and 13-14 have been amended, Claims 2-3 have been canceled, Claims 15-21 have been added, leaving Claims 1 and 4-21 for consideration upon entry of the present amendment.

Support for the amendment to Claim 1 can at least be found in originally filed Claim 2.

Support for the amendment to Claims 5 and 10 can at least be found in Figures 3 and 4 and the corresponding description in the specification.

Support for new Claim 15 can at least be found in the specification, e.g., at page 13, lines 15-21 of the specification.

Support for new Claim 16 can at least be found in originally filed Claims 2 and 5.

Support for new Claim 17 can at least be found in originally filed Claims 2 and 10.

Support for new Claim 18 can at least be found in originally filed Claim 6.

Support for new Claim 19 can at least be found in originally filed Claim 11.

Support for new Claim 20 can at least be found in originally filed Claim 8.

Support for new Claim 21 can at least be found in originally filed Claim 13.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

#### Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Tamura (U.S. 6,410,168).

To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Bariant Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987).

Independent Claim 1 is directed to a light emitting element comprising, *inter alia*, the following claimed element: “a metal layer with a mesh pattern provided with apertures for transmitting light is used in the semitransparent electrode”.

Absent in Tamura is any teaching of a metal layer with a mesh pattern provided with apertures for transmitting light that is used for a semitransparent electrode. Since Tamura at least fails to teach or suggest a metal layer with a mesh pattern provided with apertures for transmitting light used for a semitransparent electrode, Tamura fails to teach at least one

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claimed element of independent Claim 1. Accordingly, independent Claim 1 is not anticipated and is therefore allowable over Tamura.

With regard to Claims 5-7, these claims are directed to a light emitting display, which includes a plurality of pixels in a display section, comprising, *inter alia*, the following claimed elements: "the first electrode is provided for each pixel and has an individual shape...the second electrode is formed as a common electrode for the plurality of pixels in the display section, and is formed on a back side of the first electrode...an antireflective layer is provided on the second electrode on a back side of the second electrode, as a common layer for the plurality of pixels in the display section."

In Tamura, the second electrodes provided on a side where the low optical reflection layers are formed have a stripe shape. In all of the first to third embodiments and the sixth embodiment of Tamura, the low optical reflection layers are formed in the same stripe shape as the second electrodes. Further, in Tamura, in a case where the low optical reflection layers are formed on the second electrodes, a concept of adopting a structure other than the structure in which the low optical reflection layers have the same pattern as the second electrodes (metal electrode layers) 14 is not at all assumed.

In contrast to Tamura, in Applicant's claimed invention, the second electrode is common for a plurality of pixels in the display section. Namely, the antireflective layer is formed covering the overall display section. Rather, the second electrodes of Tamura having stripe shapes and the low optical reflection layers having the similar stripe pattern disclosed in Tamura cannot, and actually do not, cover the overall display region. Accordingly, Tamura at least fails to teach an antireflective layer that is provided on the second electrode on a back side of the second electrode, as a common layer for the plurality of pixels in the display section. Since Tamura fails to teach at least one claimed element, independent Claim 5 is not anticipated and is therefore allowable over Tamura. Moreover, as dependent claims from an allowable independent claim, Claims 6-7 are, by definition, also allowable.

#### Claim Rejections Under 35 U.S.C. § 103(a)

Claims 4, 8 and 9-14 are rejected under 35 USC 103(a) as allegedly being unpatentable over Tamura in view of U.S. Published Patent Application 2003/0117057 to Koo et al. (hereinafter "Koo").

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For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined reference. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d 1016, 1023 (Fed. Cir. 1996).

See above for teachings of Tamura.

In making the rejection, the Examiner relied upon Koo primarily for teaching that molybdenum is used in forming an antireflective layer with desired low reflectivity.

However, Applicant respectfully submits that even if Tamura were combined with Koo, the combined references would still fail to teach or suggest at least one claimed element of each of the respective independent claims. Stated another way, Koo fails to cure the deficiencies of Tamura.

Independent Claim 1 comprises, *inter alia*, "a metal layer with a mesh pattern provided with apertures for transmitting light is used in the semitransparent electrode".

With regard to independent Claim 1, it is advantageously noted that use of such a metal layer with a mesh pattern allows use of the same electrode material as the material used when a semitransparent electrode is not adopted for the metal layer. Consequently, it is possible to realize antireflection with the minimum change of a material that is used.

Absent in Tamura, either alone or in combination with Koo, is any teaching or suggestion that a metal layer with a mesh pattern provided with apertures for transmitting light is used in the semitransparent electrode. As such, the combined references would fail to teach or suggest at least one claimed element of independent Claim 1. Therefore, independent Claim 1 is not obvious and is therefore allowable over Tamura in view of Koo. Moreover, as a dependent claim from an allowable independent claim, dependent Claim 4 is, by definition, also allowable.

According to the claimed invention recited in Claims 5 and 10, on the second electrode or the cathode, which is common for a plurality of pixels, the antireflective layer is formed as a common layer for the plurality of pixels in the display section. Namely, the antireflective layer is formed covering the overall display section. Accordingly, the

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antireflective layer not only exerts the antireflective function in each pixel, but also allows prevention of reflection of external light at the interval positions of pixels. Further, because the antireflective layer is formed as a common layer for all the pixels in the display section and is formed on the second electrode, the heat generated in the light emitting element can be discharged by the antireflective layer very easily. Also, the antireflective layer, which covers the whole display section, can provide a function of preventing water and oxygen, which adversely affects a light emitting function, from entering the light emitting layer.

As discussed above, the second electrodes of Tamura having stripe shapes and the low optical reflection layers having the similar stripe patterns disclosed in Tamura do not cover the overall display region. It is therefore not possible to provide an antireflection function at the pixel positions or exert a protection function for the light emitting layer against surroundings while achieving high heat discharging property.

Also, with the structure described in Tamura, the second electrodes adjacent to each other must be insulated. More specifically, in Tamura, when forming the low optical reflection layer, which is electrically conductive on the second electrode, the low optical reflection layer must be formed in a stripe shape, which is the same as that of the second electrode. Specifically, in the structure as described in Tamura, each pixel is formed at the intersection of each second electrode and the first electrode, which is formed in a stripe shape in the direction orthogonal to the second electrode, and therefore if the stripe-shape second electrodes are electrically connected with each other, it is not possible to individually control each second electrode which further prevents formation of independent pixels.

In the fourth and fifth embodiments of Tamura, the low optical reflection layer is formed on a surface of a sealing substrate, which is spaced from the EL element, not on the second electrode. The low optical reflection layer, when formed on the sealing substrate, which is spaced from the substrate on which the light emitting element is formed as described above, cannot provide a function for discharging the heat generated in the EL element irrespective of the material of the low optical reflection layer, or cannot at all exert a function of preventing water and oxygen from entering the light emitting element from surroundings.

Tamura not only includes no description concerning the feature of forming the low optical reflection layer that is formed on the second electrode so as to overlap the overall display section including a plurality of pixels, but also has no motivation or suggestion to provide such a structure.

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Further, Koo merely discloses that a black matrix is formed between the substrate 100 and the TFT, and one cannot have motivation to combine Tamura with Koo with any expectation of success at obtaining Applicant's claimed invention. In other words, even if combined, the combined references would fail to teach at least one claimed element.

For at least these reasons, independent Claims 5 and 10 are not obvious and are therefore allowable over Tamura in view of Koo. Moreover, as dependent claims from an allowable independent claim, Claims 8 and 9-14 are, by definition, also allowable.

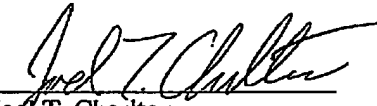
In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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